

Town Board Minutes

**Meeting
No. 17**

Regular Meeting

July 6, 1999

MEETINGS TO DATE 17
NO. OF REGULARS 13
NO. OF SPECIALS 4

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LANCASTER, NEW YORK
July 6, 1999

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 7th day of July, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Brett, James, 659 Harris Hill Road, spoke to the Town Board on the following matter:

- Recalled his efforts over the past year to effect a more timely response for first call ambulance service and expressed disappointment and concern that the Supervisor has not heeded his call for a re-evaluation of the present response system.

Buehler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Questioned whether the level of services in the Assessor's Office will be maintained with the elimination of the full time position currently occupied by David Mazur.

Freier, Brian, 5394 William Street, spoke to the Town Board on the following matters:

- The present status of the signal installation at Bowen Road and William Street
- Indicated he was not opposed to the Transit/William rezone petitioned by NEC Transit/William LLP.

Kless, Mary, 2055 Como Park Blvd., spoke to the Town Board on the following matters:

- Asked questions about the appointment of David Mazur as GIS Analyst.
- Expressed a desire for the Town Board to get more involved in the affairs of the school district.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- The posting of the announcement for the civil service exam for GIS Analyst.
- Questioned the proposed addition to the Garden Place Hotel on Transit Road.
- Asked questions about the present arrangement for a backup service to the LVAC Service.

Zarbo, Richard, 357 Stony Road, spoke to the Town Board on the following matter:

- Asked questions concerning the provisional appointment of David Mazur as GIS Analyst.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on June 21, 1999 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of Local Laws, and

WHEREAS, proposed Local Law No. 3 of the Year 1999, repeals Sections 21-5 and 21-6 of Chapter 21- Floodplains, of the Code of the Town of Lancaster and enacts new Sections 21-5 and 21-6 of said Chapter 21, and was introduced to the Town Board of the Town of Lancaster by Council Member Stempniak on the 3rd day of May, 1999, and

WHEREAS, a Public Hearing was duly called and held pursuant to law on May 17, 1999;

NOW, THEREFORE, BE IT

ENACTED, by the Town Board of the Town of Lancaster, Local Law No. 3 of the Year 1999, designated as Sections 21-5 and 21-5-Floodplains, of the Code of the Town of Lancaster, County of Erie and State of New York, which reads as follows:

FLOODPLAINS

CHAPTER 21

**LOCAL LAW NO. 3
OF
THE YEAR 1999**

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER BY DELETING AND REPEALING, IN ITS ENTIRETY, SECTION 21-5 AND SECTION 21-6 OF CHAPTER 21, OF THE CODE OF THE TOWN OF LANCASTER, ENTITLED: "FLOODPLAINS", AND REPLACING IT WITH A LOCAL LAW OF 1999, ENACTING NEW SECTIONS 21-5 AND 21-6 OF CHAPTER 21, "FLOODPLAINS" OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

Section 1.

The Code of the Town of Lancaster is hereby amended by deleting and repealing Section 21-5 and Section 21-6 of Chapter 21-Floodplains," of said Code.

Section 2.

The Code of the Town of Lancaster is hereby amended by adding thereto Local Law No. 3 of the Year 1999, to replace Section 21-5 and Section 21-6 of Chapter 21 as hereinabove repealed, " and further designated as Section 21-5 and Section 21-6 of Chapter , Article 1 of said Code and shall read as follows:

§21-5. Applicability.

This Local Law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Lancaster, Erie County, New York, and shall take effect immediately upon filing with the Secretary of State.

§21-6. Basis for establishing the areas of special flood hazards.

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map (multiple panels) Index No. 3602490001-0012, whose effective date is December 1, 1981.
- (2) A scientific and engineering report entitled "Flood Insurance Study, Town of Lancaster, New York, Erie County" dated June 1, 1981.
- (3) Flood Boundary and Floodway Map (multiple panels) Index No. 360249 0001-0012, whose effective date is December 1, 1981.
- (4) LOMR effective 89/99 FEMA Case No. 89-02-011P, revising FIRM and FBFM panel 10.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the Town of Lancaster Building Inspector's Office, in the Town of Lancaster, Erie County, New York.

and,

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BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of Local Law No. 3 of the Year 1999 on the Town Bulletin Board;
2. Within ten (10) days publish a certified copy of the Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on Local Law No. 3 of the Year 1999, with all proofs of publication and posting required for adoption; and
4. File certified copies of Local Law No. 3 of the Year 1999 within twenty (20) days of adoption with:
 - a) Town Clerk's Office
 - b) One (1) copy with the office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: rloclawa.699

LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 3
OF THE YEAR 1999

DESIGNATED AS SECTIONS 21-5 AND 21-6
OF CHAPTER 21-FLOODPLAINS OF THE CODE
OF THE TOWN OF LANCASTER

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on May 17, 1999, Local Law No. 3 of the Year 1999, designated as Sections 21-5 and 21-6 of Chapter 21, Floodplains of the Code of the Town of Lancaster, briefly described as follows:

"A Local Law which repeals Sections 21-5 and 21-6 of Chapter 21-Floodplain of the Code of the Town of Lancaster and enacts in place thereof a new Section 21-5 and Section 21-6 of Chapter 21 Floodplains of the Code of the Town of Lancaster.

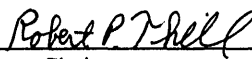
This Local Law amends floodplain management regulations and correctly references the Flood Insurance Rate Map and the LOMR."

July 6, 1999

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY, that I, **ROBERT P. THILL**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of Local Law No. 3 of Year 1999, with the original thereof filed in my office at Lancaster, New York, on the 6th day of July, 1999 and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 6th day of July, 1999.



Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has duly reviewed and considered the consolidation of the office of Receiver of Taxes and Assessments with that of the Town Clerk in order to accomplish financial savings to the taxpayers on the daily operation of town government and at the time offer a more efficient and improved service to the public, and

WHEREAS, the Town Board has further commissioned a report for the consolidation of these offices which was completed by Fox and Company, and

WHEREAS, the Municipal Home Rule Law of the State of New York §10 (1) (ii) (a) (1) and §10 (1) (2) (d) (3) provide the authority and enabling legislation for the Town Board to act by local law to cause the abolishment of the office of Receiver of Taxes and Assessments and consolidate that office into the office of the Town Clerk, and

WHEREAS, the Town Board now deems it in the public interest to offer a local law subject to mandatory referendum to allow the public the opportunity to vote on the consolidation of these beforementioned offices which the Town Board has determined will effectuate financial savings, and

WHEREAS, the Town Board of the Town of Lancaster has proposed Local Law No. 4 of the Year 1999, entitled: "**Abolition of Office of Receiver of Taxes and Assessments of the Town of Lancaster, New York**", and designated as **Chapter 2** of the Code of the Town of Lancaster, which reads as follows:

**ABOLITION OF OFFICE OF RECEIVER
OF TAXES AND ASSESSMENTS**

CHAPTER 2

**Proposed
LOCAL LAW NO. 4
Of the Year
1999**

A LOCAL LAW TO ABOLISH THE OFFICE OF RECEIVER OF TAXES AND ASSESSMENTS OF THE TOWN OF LANCASTER AND TO TRANSFER ALL POWERS AND DUTIES OF THAT OFFICE TO THE OFFICE OF THE TOWN CLERK OF THE TOWN OF LANCASTER, AND SHALL BE ENTITLED "ABOLITION OF OFFICE OF RECEIVER OF TAXES AND ASSESSMENTS OF THE TOWN OF LANCASTER - LOCAL LAW NO. 4 OF THE YEAR 1999" AND DESIGNATED AS CHAPTER 2 OF THE CODE OF THE TOWN OF LANCASTER, NEW YORK.

BE IT ENACTED, by the Town Board of the Town of Lancaster, as follows:

**CHAPTER 2
ABOLITION OF OFFICE OF RECEIVER OF
TAXES AND ASSESSMENTS**

- §2.1. Purpose**
- §2.2. Abolition**
- §2.3. Mandatory Referendum**
- §2.4. Statutory Authority**
- §2.5. Effective Date**

§2.1. Purpose.
The purpose of this Local Law is to abolish the Office of Receiver of Taxes and Assessments in the Town of Lancaster, New York and to transfer all powers and duties of that Office to the Office of the Town Clerk of the Town of Lancaster.

§2.2. Abolition.
The office of Receiver of Taxes and Assessments in the Town of Lancaster is hereby abolished effective January 1, 2000. The powers and duties of that office shall be transferred to the Office of the Town Clerk of the Town of Lancaster, New York.

§2.3. Mandatory Referendum.
This Local Law is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Lancaster at the General Election to be held on November 2, 1999. The proposition in the following form shall be included on the ballot at such General Election, and the abolition of the Office of Receiver of Taxes and Assessments and the transfer of the powers and duties of that office to the Town Clerk shall not take effect unless such proposition is approved by a majority of the qualified voters voting thereon:

"Shall the Office of Receiver of Taxes and Assessments be abolished and all powers and duties of that office transferred to the Office of the Town Clerk of the Town of Lancaster, New York, effective January 1, 2000 ?"

§2.4. Statutory Authority.

This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

§2.5. Effective Date.

This Local Law shall become effective immediately upon being filed in the Office of the Secretary of State after approval by qualified voters.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That pursuant to the Municipal Home Rule Law of the State of New York, and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on the proposed Local Law No. 4 of the Year 1999, entitled "**Abolition of Office of the Receiver of Taxes and Assessments**" and further designated as **Chapter 2** of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York at 8:30 o'clock P.M., Local Time, on the 19th day of July, 1999, and that Notice of the Time and Place of such Hearing shall be published on the 8th day of July, 1999, in the Lancaster Bee, being a newspaper of general circulation in said Town and posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

2. That the Town Clerk be and is hereby directed to make copies of the proposed Local Law No. 4 of the Year 1999, entitled "**Abolition of Office of Receiver of Taxes and Assessments**" available for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

**LEGAL NOTICE
PUBLIC HEARING
LOCAL LAW NO. 4 OF 1999
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted July 6, 1999, the said Town Board will hold a Public Hearing on the 19th day of July, 1999, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon proposed Local Law No. 4 of the Year 1999, entitled: **"Abolition of Office of Receiver of Taxes and Assessments of the Town of Lancaster, New York"** and designated as Chapter 2 of the Code of the Town of Lancaster, briefly described as follows:

"A Local Law to abolish the office of Receiver of Taxes and Assessments of the Town of Lancaster and to transfer all powers and duties of that office to the Office of the Town Clerk of the Town of Lancaster, and is designated as Chapter 2 of the Code of the Town of Lancaster and identified as Local Law No. 4 of the Year 1999."

A complete copy of proposed Local Law No. 4 of the Year 1999, entitled: **"Abolition of Office of Receiver of Taxes and Assessments of the Town of Lancaster, New York"** and designated as Chapter 2 of the Code of the said Town, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **ROBERT P. THILL**
Town Clerk

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, the Town of Lancaster has been awarded a grant from the County of Erie through the efforts of the County Municipal Regionalism Committee in the amount of \$177,000.00 for the development of a Geographic Information Database to service the needs of a consortium composed of the Town of Lancaster, Village of Lancaster and the Lancaster Central School District [the GIS Consortium], and

WHEREAS, the GIS Consortium, with the Town of Lancaster as Lead Agency, desires to create the position of Geographic Information Systems Analyst in the Engineering Department of the Town of Lancaster for the purpose of administrating the GIS Consortium database program, and

WHEREAS, the Supervisor of the Town of Lancaster has previously filed with the Erie County Department of Personnel Form PO-17 "New Positions Duties Statement" for the purpose of obtaining the appropriate service title for the anticipated position of GIS Database Administrator, and

WHEREAS, the Erie County Department of Personnel has indicated, by letter dated December 21, 1998, that the appropriate title for this position is Geographic Information Systems Analyst,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates and establishes the position of Geographic Information Systems Analyst, Full Time, in the service of the Engineering Department of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and execute Section 8 of Form PO-17 (New Position Duties Statement) indicating that the position of Geographic Information Systems Analyst, Full Time, in the Town of Lancaster has been created.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: RPER.SCRE (P8)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

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WHEREAS, the Town of Lancaster has been awarded a grant from the County of Erie through the efforts of the County Municipal Regionalism Committee in the amount of \$177,000.00 for the development of a Geographic Information Database to service the needs of a consortium composed of the Town of Lancaster, Village of Lancaster and the Lancaster Central School District [the GIS Consortium], and

WHEREAS, the Town Board by resolution dated July 6, 1999 created the position of Geographic Information Systems Analyst within the Engineering Department of the Town of Lancaster for the purpose of administrating this GIS Consortium database program, and

WHEREAS, the Town Board has reviewed the qualifications of David Mazur who is presently employed in the service of the Town of Lancaster in the position of Real Property Appraisal Technician in the Assessor's office of the Town of Lancaster, and

WHEREAS, David Mazur possesses the qualifications for appointment to the position of Geographic Information Systems Analyst and possesses specific knowledge of the spatial data of assessment parcels of the GIS Consortium members through his four years experience in the service of the Department of Assessment of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that David Mazur, 188 Marrano Drive, Depew New York be and is hereby appointed to the position of Geographic Information Systems Analyst (provisional) in the Engineering Department of the Town of Lancaster, at an annual salary of \$39,900.00, effective July 7, 1999, and

BE IT FURTHER

RESOLVED, that regardless of the determination of the outcome, whether or not to include this position in the CSEA White Collar Union, David Mazur will transfer seniority and all benefits, entitlements and credited service vested to him to this new position in the Engineering Department, and

BE IT FURTHER

RESOLVED, that this position will be filled permanently at a future date upon establishment of a civil service list and in accordance with the Erie County Civil Service Rules, and

BE IT FURTHER

RESOLVED, that funds to pay the salary and benefits for the first year for this new position are to be taken from the \$177,000 grant proceeds, after which the funding will be incorporated into the regular operating budget of the General Fund.

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: RPERS.CRE (P9)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town's Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects.

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town's books be closed (with the exception of those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the project and/or subsequent retirement of said debt), and

BE IT FURTHER

RESOLVED, that the cash balances, as specified below, of the following Capital Projects of the Town of Lancaster, are to be transferred to the "Reserve for Debt Service" account of their respective operating fund, also specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Fund</u>
Construct Youth Center	115	09/06/94	\$17,510.45	General
Recon. Psych. Center	116	03/15/93	3,003.25	General
Recreation Equipment	118	05/15/95	218.15	General
Computer Supervisor's Off.	119	09/05/95	0.00	General
Hand. Access. Town Bldgs.	122	08/07/95	1,215.78	General
Recon. Highway Garage	126	04/01/96	3,982.00	General
Clark St. Bridge Recon.	130	02/27/95	0.00	Townwide Highway
Sewer Improvements	132	12/01/97	5,500.00	Sanitary Sewer Dist. 2 and its extensions and laterals

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File:rbudget.amd

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Dana Warman, PO Box 865, Buffalo, New York 14213 has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement within Walnut Creek Subdivision, Phase II, Part I, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Walnut Creek Subdivision, Phase II, Part I, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 492 - Street Lights

and,

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: RPIP (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Pine Hill Materials Corp, 2255 Bailey Avenue, Buffalo, New York 14211, has applied for a Dumping Permit for property situated at the south east corner of Pavement Road and Walden Avenue, within the Town of Lancaster, pursuant to Chapter 22-8 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Town Engineer for review and recommendation, and

WHEREAS, the Building Inspector and Town Engineer have completed their review and made a formal, favorable recommendation to the Town Board,

NOW, THEREFORE, BE IT

RESOLVED, that Pine Hill Materials Corp., 2255 Bailey Avenue, Buffalo, New York 14211 be and is hereby authorized to dump and dispose of materials outside permitted sanitary landfills within the Town of Lancaster, namely on premises owned by the applicant at the south east corner of Pavement Road and Walden Avenue, said dumping to be in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk, and,

BE IT FURTHER

RESOLVED, that **this permit is conditioned** in accordance with the recommendations of the Town Engineer and Building Inspector as follows:

1. Fill material, except for the berm screening, shall not be placed higher than the crown of the pavement on Pavement Road.
2. Material shall be placed so that the grade of top falls to the southeast.
3. Fill shall consist of hard clay, stones or broken concrete. No building demolition material such as wood, asphalt shingles, asbestos tiles, etc. are permitted.
4. No fill to be placed in or along any natural drainage without approval from the Town Engineer and any other agency having jurisdiction.
5. Access to the site shall be controlled to prevent unauthorized dumping of non permitted material.
6. Mud from truck tires shall be cleaned off the road at the completion of operations for that day and more frequently if deemed necessary.

7. Dumping will be allowed between the hours of 7 A.M. and 5 P.M. Monday through Saturday. No dumping shall be allowed on Sunday.

BE IT FURTHER

RESOLVED, that no building permit for the construction of any structure on the SBL premises upon which this dumping permit is issued shall be approved by the Town Building Inspector until such time as the Building Inspector certifies in writing to the Town Board that the conditions enumerated in this resolution have been fully complied with, and

BE IT FURTHER

RESOLVED, that pursuant to Chapter 22-8(D)(6) of the Code of the Town of Lancaster the permit authorization granted herein **expires one year from date of this resolution.**

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, a Public Hearing was held on the 17th day of May, 1999, for the purpose of amending Chapter 50-Zoning, by deleting §50-28 (E)(1) of Article VII of the Code of the Town of Lancaster, and enacting in place thereof a new §50-28 (E) (1) of Article VII of Chapter 50-Zoning of the said Code, which reads as follows:

CHAPTER 50-ZONING

ARTICLE VII

Regulations Applying to All Districts

§50-28. Off-street parking, loading and stacking facilities.

.....

E. Schedule of parking and stacking requirements.

(1) Minimum parking requirements.

- a) Off-street parking facilities shall be provided in quantities not less than set forth in the following schedules [Handicapped parking, as required by the New York State Department of Motor Vehicle shall be in addition to the quantities set forth herein. Bench-type seats shall be calculated at twenty (20) inches per lineal foot.

[1] Dwellings:

- (a) Single-family or two-family dwellings: two (2) spaces for each dwelling unit.
- (b) Multi-family dwellings: two (2) spaces for each dwelling unit.
- (c) Tourist homes, hotels, motels or rooming or lodging houses: one (1) space for each unit accommodation and conference unit.
- (d) Dormitory, fraternity, sorority house: one (1) space per two occupants.
- (e) Mobile home lot: two (2) spaces per mobile home lot.
- (f) Additional spaces for accessory uses:
 - [1] Offices for the treatment of humans: five (5) spaces for each treatment room.
 - [2] Other offices: two (2) spaces for each office.

[2] Institutional uses.

- (a) Hospitals: 2-1/2 spaces for each bed.
- (b) Sanatoriums, convalescent homes or nursing homes: one space for each three (3) beds.
- (c) Homes for senior citizens or the aged: one (1) space per dwelling unit.
- (d) Orphanages: one (1) space for each five (5) persons in residence.

[3] Places of assembly.

(a) Schools.

- [1] Elementary and middle or intermediate schools: two (2) spaces for each classroom, plus spaces required for assembly area.
- [2] High schools: two (2) spaces for each classroom, plus one space for each nonteaching employee, plus spaces required for assembly area.
- [3] Colleges: two (2) spaces for each classroom, plus one (1) space for each nonteaching employee, plus three (3) spaces for each four full-time students, plus spaces required for assembly area.

- (b) Churches, synagogues or any other places of public worship; principal or accessory auditoriums, gymnasiums, theaters, stadiums or sports arenas, and other places of public assembly other than banquet halls: one (1) space for each three (3) seats.

- (c) Libraries, museums or art galleries: one (1) space for each 300 square feet of gross floor area.

- (d) Bowling alleys: six (6) spaces per alley.

- (e) Permanent recreational uses, in addition to spaces required for areas devoted to uses specified herein:

- [1] Ice skating, roller rinks and gymnastics centers: one (1) space per 250 square feet of gross floor area devoted to activity.
- [2] Health and swimming: one (1) space per 25 square feet of gross floor area and pool area devoted to activity.
- [3] Tennis clubs: three (3) spaces per court
- [4] Golf courses and driving ranges: three (3) spaces per hole, minimum ten (10) spaces.

- [5] Conservation clubs: minimum ten (10) spaces.
- [6] Miniature golf: one and one-half (1-1/2) spaces per hole.
- [7] Dancing studios: one (1) space per fifty (50) square feet of gross floor area devoted to activity.
- (f) Eating or drinking establishments, principal or accessory;
 - [1] Restaurant/bar and banquet hall: one (1) space per three (3) seats and one (1) space per 100 square feet for customer self-service or take-out area.
 - [2] Restaurants, take-out service only: one (1) space per 10 square feet of gross floor area.
- (g) Clubs or lodges: as required for assembly and restaurant facilities therein.
- (h) Mortuaries or funeral parlors: fifteen (15) spaces for each parlor.
- (i) In the event that any of the uses, buildings or structures described in subsections (a) through (h) of this section are contained in or are part of a shopping center, the requirement of Subsection [4] (d) shall apply.

[4] Business or industrial uses.

- (a) Furniture, floor covering or appliance stores; home furnishings and equipment sales; custom shops; wholesale businesses: one (1) space for each 700 square feet of gross floor area, with a minimum of four (4) spaces required.
- (b) New or used car sales: one space for each 700 square feet of sales area within a building, but not less than ten (10) spaces for customer parking and one space for each two employees. Such spaces shall be clearly marked and shall not be used for the parking of unregistered motor vehicles.
- (c) Gasoline stations, automobile collision, public garages or repair garages, principal or accessory: three (3) spaces for each service bay, minimum six (6) spaces.
- (d) Shopping centers: six (6) spaces per 1,000 square feet of net floor area.
- (e) Retail stores and service, not a part of a shopping center:
 - [1] Food stores and discount stores: one (1) space for each 100 square feet of gross floor area.
 - [2] Other: 5.5 spaces per 1,000 square feet of net floor area.

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- (f) Real estate offices: eight (8) spaces, or 1-1/2 spaces per employee.
 - (g) Medical and dental clinics and offices: eight (8) spaces per doctor or dentist.
 - (h) Other business or professional offices or banks, public and semi-public buildings, including government buildings: one (1) space for each 175 square feet of gross floor area.
 - (i) Manufacturing, industrial plants, wholesale distributors, laboratories, general commercial and other services, machine shop: one (1) space per employee.
 - (j) Roadside stands: minimum three (3) spaces.
 - (k) All other principal uses not above enumerated or excepted: one (1) space for each 350 square feet of gross floor space.

[5] Mixed uses.

Except as otherwise provided in Subsection [4], where any building or lot is occupied by two or more uses having different parking requirements, the parking requirement for each use shall be computed separately to determine the total off-street parking requirement.

and

WHEREAS, persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 50-Zoning of the Code of the Town of Lancaster is hereby amended by deleting in its entirety Section 50-28 - Off-street Parking, Loading and Stacking Facilities, (E) (1) of Article VII of said Chapter 50, Zoning, and enacting in place thereof a new §50-28 (E) (1) of the said Code which reads as follows:

ARTICLE VII

Regulations Applying to All Districts

§50-28. Off-street parking, loading and stacking facilities.

.....

E. Schedule of parking and stacking requirements.

(1) Minimum parking requirements.

- a) Off-street parking facilities shall be provided in quantities not less than set forth in the following schedules [Handicapped parking as required by the New York State Department of Motor Vehicles shall be in addition to the quantities set forth herein. Bench-type seats shall be calculated at twenty (20) inches per lineal foot.]:

[1] Dwellings:

- (a) Single-family or two-family dwellings: two (2) spaces for each dwelling unit.
- (b) Multi-family dwellings: two (2) spaces for each dwelling unit.
- (c) Tourist homes, hotels, motels or rooming or lodging houses: one (1) space for each unit accommodation and conference unit.
- (d) Dormitory, fraternity, sorority house: one (1) space per two occupants.
- (e) Mobile home lot: two (2) spaces per mobile home lot.
- (f) Additional spaces for accessory uses:
 - [1] Offices for the treatment of humans: five (5) spaces for each treatment room.
 - [2] Other offices: two (2) spaces for each office.

[2] Institutional uses.

- (a) Hospitals: 2-1/2 spaces for each bed.
- (b) Sanatoriums, convalescent homes or nursing homes: one space for each three (3) beds.
- (c) Homes for senior citizens or the aged: one (1) space per dwelling unit.
- (d) Orphanages: one (1) space for each five (5) persons in residence.

(a) Schools.

- [1] Elementary and middle or intermediate schools: two (2) spaces for each classroom, plus spaces required for assembly area.
- [2] High schools: two (2) spaces for each classroom, plus one space for each nonteaching employee, plus spaces required for assembly area.
- [3] Colleges: two (2) spaces for each classroom, plus one (1) space for each nonteaching employee, plus three (3) spaces for each four full-time students, plus spaces required for assembly area.

(b) Churches, synagogues or any other places of public worship; principal or accessory auditoriums, gymnasiums, theaters, stadiums or sports arenas, and other places of public assembly other than banquet halls: one (1) space for each three (3) seats.

(c) Libraries, museums or art galleries: one (1) space for each 300 square feet of gross floor area.

(d) Bowling alleys: six (6) spaces per alley.

(e) Permanent recreational uses, in addition to spaces required for areas devoted to uses specified herein:

- [1] Ice skating, roller rinks and gymnastics centers: one (1) space per 250 square feet of gross floor area devoted to activity.
- [2] Health and swimming: one (1) space per 25 square feet of gross floor area and pool area devoted to activity.
- [3] Tennis clubs: three (3) spaces per court
- [4] Golf courses and driving ranges: three (3) spaces per hole, minimum ten (10) spaces.
- [5] Conservation clubs: minimum ten (10) spaces.
- [6] Miniature golf: one and one-half (1-1/2) spaces per hole.
- [7] Dancing studios: one (1) space per fifty (50) square feet of gross floor area devoted to activity.

(f) Eating or drinking establishments, principal or accessory;

- [1] Restaurant/bar and banquet hall: one (1) space per three (3) seats and one (1) space per 100 square feet for customer self-service or take-out area.
- [2] Restaurants, take-out service only: one (1) space per 10 square feet of gross floor area.

- (g) Clubs or lodges: as required for assembly and restaurant facilities therein.
- (h) Mortuaries or funeral parlors: fifteen (15) spaces for each parlor.
- (i) In the event that any of the uses, buildings or structures described in subsections (a) through (h) of this section are contained in or are part of a shopping center, the requirement of Subsection [4] (d) shall apply.

[4] Business or industrial uses.

- (a) Furniture, floor covering or appliance stores; home furnishings and equipment sales; custom shops; whole-sale businesses: one (1) space for each 700 square feet of gross floor area, with a minimum of four (4) spaces required.
- (b) New or used car sales: one space for each 700 square feet of sales area within a building, but not less than ten (10) spaces for customer parking and one space for each two employees. Such spaces shall be clearly marked and shall not be used for the parking of unregistered motor vehicles.
- (c) Gasoline stations, automobile collision, public garages or repair garages, principal or accessory: three (3) spaces for each service bay, minimum six (6) spaces.
- (d) Shopping centers: six (6) spaces per 1,000 square feet of net floor area.
- (e) Retail stores and service, not a part of a shopping center:
 - [1] Food stores and discount stores: one (1) space for each 100 square feet of gross floor area.
 - [2] Other: 5.5 spaces per 1,000 square feet of net floor area.
- (f) Real estate offices: eight (8) spaces, or 1-1/2 spaces per employee.
- (g) Medical and dental clinics and offices: eight (8) spaces per doctor or dentist.
- (h) Other business or professional offices or banks, public and semi-public buildings, including government buildings: one (1) space for each 175 square feet of gross floor area.
- (i) Manufacturing, industrial plants, wholesale distributors, laboratories, general commercial and other services, machine shop: one (1) space per employee.
- (j) Roadside stands: minimum three (3) spaces.

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- (k) All other principal uses not above enumerated or excepted: one (1) space for each 350 square feet of gross floor space.

[5] Mixed uses.

Except as otherwise provided in Subsection [4], where any building or lot is occupied by two or more uses having different parking requirements, the parking requirement for each use shall be computed separately to determine the total off-street parking requirement.

2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 6th day of July, 1999;
3. That a certified copy of this amendment be published in the Lancaster Bee on the 8th day of July, 1999;
4. That a certified copy of this Amendment be posted on the Town Bulletin Board; and
5. That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT OF CHAPTER 50 ZONING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that Chapter 50, Zoning of the Code of the Town of Lancaster is hereby amended by deleting in its entirety , §50-28 (E) (1) of Article VII, of said Code, and enacting in place thereof a new §50-28 (E) (1) of the Code of the Town of Lancaster, briefly summarized as follows:

"An amendment to Chapter 50-Zoning by deleting §50-28 (E) (1) of Article VII, and enacting in place thereof a new §50-28 (E) (1).


This new section sets forth minimum parking requirements/ regulations which shall apply to all zoning districts in the Town of Lancaster, and replaces the minimum parking requirements currently in place."

July 6, 1999

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

This is to certify that **I, ROBERT P. THILL**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 6th day of July, 1999 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 6th day of July, 1999.


Robert P. Thill, Town Clerk

(SEAL)

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the General Crew Chief, by letter dated June 28, 1999, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the summer season of 1999,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employees for the summer season of 1999 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rates:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Christopher Janis (new hire) 885 Erie Street, Lancaster	Recreation Attendant (Playground Attendant)	\$5.15 hr.
Amy Burnicki (new hire) 24 Old Stone Road, Depew	Recreation Attendant (Tennis Instructor)	\$5.15 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS AD SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, Richard E. Sharpe, Jr. and Mary E. Sharpe, 5161 Transit Road, Depew, New York, the owners of a parcel of property located on the east side of Transit Road north of Jefferson Avenue in the Town of Lancaster, New York, have petitioned the Town Board of the said Town for the rezone of said property from a GB-General Business District to a CMS-Commercial Motor Service District,, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of July, 1999, at 9:00 o'clock P.M., Local Time, and that Notice of the time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant top Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

**LEGAL NOTICE
PUBLIC HEARING-REZONE
RICHARD E. SHARPE, JR. AND MARY E. SHARPE
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of July, 1999, the said Town Board will hold a Public Hearing on the 19th day of July, 1999, at 9:00 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from a GB-General Business District to a CMS-Commercial Motor Service District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 11, Section 11, Township 11, Range 6 of the Holland Land Company's Survey and according to map filed in Erie County Clerk's Office under Cover No. 556 is known as Subdivision Lots No. 4 to 9 inclusive in Block 2.

Excepting therefrom the westerly 7 feet of Subdivision Lots No. 4 to 7 inclusive in Block 2 as appropriated by Notice of Appropriation recorded November 21, 1955 in Liber 5908 of Deeds at Page 409, being Map 39, Parcel 51.

ALSO, that Tract or Parcel of Land situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot 11, Township 11, Range 6 of the Holland Land Company's Survey, and according to map filed in Erie County Clerk's Office under Cover No. 556 is known as the westerly 195 feet of Adams Avenue (50 feet wide), as measured from the east line of Transit Road (66 feet wide).

Said above described Parcels of Lands containing a total of 0.739 Acres more or less.

AND

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 11, Section 10, Township 11, Range 6 of the Holland Land Company's Survey, being Subdivision Lots Nos. 33, 34, 35, 36 and 37 in Block 2, according to a certain map made by Ellsworth Brothers, Surveyors, filed in the Erie County Clerk's Office under Cover No. 556.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, ERIC S. PUTNAM AND ANNE K. PUTNAM, 5785 Thompson Road, Clarence, New York, have petitioned the Town Board of the said Town for the rezone of certain property located on the north side of Genesee Street, west of Main Street, Bowmansville, and locally known as 5250 Genesee Street, Bowmansville, in the Town of Lancaster, from an RCO-Residential Commercial Office District to an NB-Neighborhood Business District,, and

WHEREAS, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of July, 1999, at 9:15 o'clock P.M., Local Time, and that Notice of the time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant top Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: rrezptnm.799.

**LEGAL NOTICE
PUBLIC HEARING-REZONE
PUTNAM - GENESEE STREET
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of July, 1999, the said Town Board will hold a Public Hearing on the 19th day of July, 1999 at 9:15 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property located on north side of Genesee Street, west of Main Street, Bowmansville and locally known as 5250 Genesee Street, Bowmansville, in the Town of Lancaster, from an RCO-Residential Commercial Office District to an NB-Neighborhood Business District:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot Number Nine (9); Section Number Twelve (12), Township Eleven (11), Range Six (6) of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the center line of Genesee Street distant one hundred seventy-eight and forty-one hundredths (178.41) feet westerly from the easterly line of Lot Number Nine (9) as measured along the center line of Genesee Street, said point of beginning being also the southwest corner of lands formerly deeded to William McArthur by deed recorded in the Erie County Clerk's Office in Liber 1082 of Deeds at page 84;

RUNNING thence westerly along the center line of Genesee Street seventy-seven (77) feet to a point which is fifty (50) feet east of the southeast corner of lands conveyed to John Fess by Deed recorded in Erie County Clerk's Office in Liber 461 of Deeds at page 186;

RUNNING thence northerly parallel with the east line of the said Fess lands two hundred twenty-seven and four hundredths (227.04) feet to the south line of North Division Street extended westerly;

RUNNING thence easterly along the south line of North Division Street extended westerly seventy-seven (77) feet to a point in the west line of the said McArthur lands;

RUNNING thence southerly along the west line of the said McArthur lands a distance of two hundred twenty-seven and four hundredths (227.04) feet to the center line of Genesee Street at the place of beginning.

Excepting therefrom that part of the above described premises that lies within the bounds of Genesee Street.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has previously
advertised for bids for furnishing to the Town Two (2) All Terrain Vehicles for use in the Police
Department, and

WHEREAS, said bids were opened on June 17, 1999, and

WHEREAS, **Anchor Marine**, 1501 Ferry Street, Grand Island, New York has
submitted the lowest bid in amount of \$7,913.00 per unit for a total cost of 15,826.00;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the bid of **Anchor Marine**, 1501 Ferry Street, Grand Island, New
York for Two (2) All Terrain Vehicles for use by the Lancaster Town Police Department, in the
amount of \$7,913.00 per unit for a total amount of \$15,826.00, be and the same is hereby
accepted and that an order for such equipment is hereby authorized to be placed by the Chief of
Police, and
2. This purchase is being made through a state grant and no dollars will be
used from the police budget.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, ALAN P. KOZLOWSKI, 4917 West Lake Road, Auburn, New York, has submitted an application for a Special Use Permit for a Business Service in accordance with provisions of Chapter 50-Zoning of the Code of the Town of Lancaster, on premises located at 743 Aurora Street, Lancaster, New York;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to §50-20 (B) (1)(g) Commercial Motor Service, and §50- 46 Special Use Permits, of Chapter 50, Zoning, of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Business Service on premises locally known as 473 Aurora Street, Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 19th day of July, 1999 at 9:30 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town , and be posted on the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File: rsupkoz.799

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER
SPECIAL USE PERMIT - KOZLOWSKI**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in §50-20 (B)(1)(g) Commercial Motor Service, and §50-46 Special Use Permits, of Chapter 50-Zoning, , of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of July, 1999, the Town Board will hold a Public Hearing on the 19th day of July, 1999, at 9:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Alan Kozlowski for a Special Use Permit, for a Business Service on premises locally known as 473 Aurora Street in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

July 6, 1999

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

Pmt # SW	Applicant Name	Address	Structure
5993	Town of Lancaster IDA	2655 Wehrle Dr	Er. Temp. Sign
6005	Domanowski, Sigmund	5017 William St	Er. Fence
6006	Tantillo, Michael J	240 Enchanted Forest	Res. Addition
6009	Polvino, Andrew	1715 Como Park Blvd	Er. Pool
6010	Joseph E & Feldman D	5962 Genesee St	Er. Fence
6011	RJF Development J.V.	1 Parkedge Dr	Er. Sin. Dwlg
6012	Regent Dev Group Inc	4891 Transit Rd	Er. Shell
6013	Walleshauser, David	16 Butler Dr	Er. Deck
6014	Blamowski, Craig	144 Belmont Ave	Er. Pool
6015	Zehler, William	50 Main St	Er. Shed
6016	Radder, Paul W	230 Enchanted Forest	Res. Addition
6017	Kozak, Michael	8 Clermont Ct	Er. Shed
6018	Neuland, Kristina	254 Schwartz Rd	Er. Garage
6019	Transit Wehrle Assoc	6705 Transit Rd	Er. Temp. Sign
6020	Mann, Keith	687 Pleasant View Dr	Er. Fence
6021	Mc Gill, Roger	59 Michael's Walk	Er. Shed
6022	Waringa, Craig	3753 Bowen Rd	Res.
6023	Transit French Assoc	4779 Transit Rd	Er. Temp. Sign
6024	A D Enterprises Partnrs	89 Newberry Ln	Er. Sin. Dwlg
6025	Ippolito, Richard	9 Regency Ct	Er. Pool
6026	Leone, Maria	5 Cambridge Ct	Er. Sin. Dwlg
6027	Goss, Richard	43 Stony Brook Dr	Er. Deck
6028	Bosse, Robert	73 Simme Rd	Res. Alteration
6029	Bosse, Robert	73 Simme Rd	Er. Deck
6030	Norton, Mary	501 Central Ave	Er. Fence
6031	Gallagher, Patrick	17 Signal Dr	Res Addition
6032	Cicero, Michael	20 Pinetree Dr	Er. Pool
6033	Burke Bros Construction	10 Sagebrush Ln	Er. Sin. Dwlg
6034	Gore, Mark	15 Hill Valley Dr	Er. Pool
6035	Gore, Mark	15 Hill Valley Dr	Er. Fence
6036	Earley, Charles	5 Whitestone Ln	Er. Pool

6037	Opera, Danl	70 Tomahawk Trl	Er. Pool
6038	United Refining Inc	5843 Broadway	Er. Sign
6039	Laurich, Edward	22 Deerpath Dr	Er. Pool
6040	Witnauer, David	643 Erie St	Er. Fence
6041	Gallagher, Patrick	17 Signal Dr	Er. Shed
6042	Pleasantview Assocs	28 Stone Hedge Dr	Er. Sin. Dwlg
6043	Pleasantview Assocs	23 Stone Hedge Dr	Er. Sin. Dwlg
6044	RJF Development	31 Stream View Ln	Er. Sin. Dwlg
6045	Topol, Gregory	1362 Townline Rd	Er. Shed
6046	Koralewski, Bruce	12 Woodgate Dr	Er. Shed
6047	Martin, Daniel	17 Riemers Ave	Er. Pool
6048	Rayner, Sharon	2 Signal Dr	Er. Deck
6049	Moran, Michael	5 Wendtworth Ct	Er. Fence
6050	Samulski, Valentine	626 Lake Ave	Er. Garage
6052	Fischione Constr Co Inc	193 Enchanted Forest S	Er. Sin. Dwlg
6053	Cramer, Diane	28 Quail Run Ln	Er. Deck
6054	Deakin, Timothy	12 Windsor Ridge Dr	Er. Pool

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 6, 1999

File:Rbldg2

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 9238 to Claim No. 9545 Inclusive

Total amount hereby authorized to be paid: **\$727,215.18**

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER CONNELLY	VOTED YES
COUNCIL MEMBER MARYNIEWSKI	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

June 21, 1999

File: Rclams

COMMUNICATIONS:

352. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney -
Transmittal of variance petitions for meeting to be held July 8, 1999. DISPOSITION
= Received and Filed
353. Cheektowaga Building Inspector to Town Clerk -
Forward comments from URS Greiner Woodward Clyde re: Transit Road
development - NEC Transit/William LLC rezone petition. DISPOSITION = Planning
Committee, Town Attorney
354. David J. Seeger, Esq. To Town Clerk -
Transmittal of report assessing environmental considerations re: rezone petition NEC
Transit/William LLC. DISPOSITION = Planning Committee, Town Attorney
355. Chief of Police to Planning Board Chairman -
Grants approval of site plan for The Garden Place Hotel. DISPOSITION = Received
and Filed
356. Ryan Homes to Building Inspector -
Request re: conservation easement on 71 Michael Anthony Lane. DISPOSITION =
Planning Committee
357. Richard Zarbo to Jim Everett, Director of Special Events -
Question re: "Political Policy" parade participation elected officials vs political
candidates. DISPOSITION = Received and Filed
358. Roy Schneggenburger to Supervisor and Council Members -
Comments and concerns previously addressed to Town Board. DISPOSITION =
Received and Filed
359. Federal Emergency Management Agency to Supervisor -
Transmittal of Letter of Map Revision. DISPOSITION = Received and Filed
360. Erie County Dept. of Environment And Planning to Supervisor -
Conveyance of application to request assistance for agricultural and farmland
protection implementation projects. DISPOSITION = Planning Committee
361. Government Finance Officers Association to Supervisor -
Acknowledgment of application for the Certificate of Achievement for Excellence in
Financial Reporting. DISPOSITION = Received and Filed
362. NYS Dept. of Health and Environmental Facilities Corp. to Supervisor -
Notice of Draft Intended Use Plan for the Drinking Water State Revolving Fund
Program for public review and comment. DISPOSITION = Town Engineer
363. NYS Dept. of Health to Supervisor -
Transmittal of new address for Bureau of Public Water Supply Protection.
DISPOSITION = Town Engineer
364. People Inc. to Supervisor -
Identification of 412 Central Avenue as an appropriate home for developmentally
disabled adults in the Town of Lancaster. DISPOSITION = Received and Filed
365. Michael Martini to Town Board -
Concerns re: property next to his home. DISPOSITION = Town Attorney
366. John Scherlein to Supervisor -
Request rezone of property east of Larkspur Acres to R-1. DISPOSITION =
Received and Filed
367. The State Education Department to Supervisor -
Advisal of Town's selection for Local Government Records Management
Improvement Fund grant. DISPOSITION = Received and Filed

368. Police Chief to Council Member Connelly -
Request acceptance of bid of Anchor Marine for two all terrain vehicles.
DISPOSITION = Received and Filed
369. Joan Sorce to Residents of Town of Lancaster -
Request vote to approve zoning application of NEC Transit/William LLC.
DISPOSITION = Planning Committee
370. NYS Dept. of Health to Council Member -
Approval of plans for backflow prevention project in maintenance room at Westwood
Park Restroom.. DISPOSITION = Received and Filed
371. Pres. Lancaster Volunteer Ambulance Corps., Inc. to Supervisor -
Transmittal of Mutual Aid Agreement for back-up ambulance service from June 25,
1999 to June 25, 2000. DISPOSITION = Received and Filed
372. Erie County Dept. of Health to Marrano/Marc Equity -
Approval of plans for Summerfield Farms Subdivision, Phase I. DISPOSITION =
Received and Filed
373. Secretary Erie County Sewer District No 4 to Town Board -
Conveyance of minutes of Erie County Sewer District No 1,4 & 5 Special Combined
Budget meeting. DISPOSITION = Received and Filed
374. Town Engineer to Supervisor -
Response to letter from Roy Schneggenburger re: dumping permits. DISPOSITION
= Received and Filed
375. Town Engineer & Building Inspector to Town Board -
Recommend issuance of dumping permit for Pine Hill Concrete Mix Corp with
conditions. DISPOSITION = Received and Filed
376. Suzanne Blank to Town Board -
Request to amend vacation leave. DISPOSITION = Town Clerk
377. General Crew Chief to Town Board -
Request appointment of seasonal employees. DISPOSITION = Received and Filed
378. Town Clerk to Supervisor -
Transmittal of monthly report for June, 1999. DISPOSITION = Received and Filed
379. United Cerebral Palsy Assoc. of WNY to Supervisor -
Rejection re: alternate proposed site at 5672 Broadway. DISPOSITION = Town
Attorney
380. United Cerebral Palsy Assoc. of WNY to Commissioner of OMRDD -
Request for Hearing re: home for developmentally disabled at 4 Cider Mill Court.
DISPOSITION = Town Attorney
381. Town Clerk to Town Board -
Transmittal of Special Use Permit Application for Alan Kozlowski, Aurora Street
and William Street. DISPOSITION = Received and Filed
382. Members of Lancaster Senior Center to Town Board -
Transmittal of signed petition for employment of Mary Bartz as part time Director.
DISPOSITION = Parks/Recreation General Crew Chief
383. Supervisor to Deputy Commissioner of Highways -
Advisal that Town is prepared to cause the installation and maintenance of traffic
signal at William Street and Lake Avenue. DISPOSITION = Public Safety
Committee
384. Highway Superintendent to Town Board -
Request reallocation of funds to purchase wheelloader. DISPOSITION = Received
and Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER MARYNIEWSKI AND SECONDED
BY THE ENTIRE TOWN BOARD AND CARRIED,** the meeting was adjourned at
9:20 P.M.

Robert P. Thill
Robert P. Thill, Town Clerk